

Paid Family and Medical Leave Postadoption Notices

The following changes to the Washington Administrative Code have gone into effect for Washington State Paid Family and Medical Leave over the last year:

June 2020

- [Definitions](#)
 - The program definitions of “claim year” and “sibling” have been updated for benefit clarity
- [Employer notification](#)
 - Employers will receive a notification that an employee who has applied for benefits has been approved or denied.
- [Deceased claimants](#)
 - The department has implemented processes for how and when a designated representative or estate executor may receive benefits on behalf of a deceased claimant.
- [Employer maintenance of health benefits](#)
 - Requires employers subject to RCW 50A.35.020 to continue health benefits when there is at least one day of concurrent use of Paid Family and Medical Leave and Family and leave under the federal Family and Medical Leave Act.

October 2020

- [RCW Subsection Removal](#)
 - The department filed for expedited rulemaking regarding the minor modification of certain existing references to the Revised Code of Washington within the Washington Administrative Code. These amendments made no practical changes to any aspect of the Paid Family and Medical Leave program.

November 2020

- [Appeals](#)
 - Minor amendments to appeals-related verbiage and how an order of default may be vacated.
- [Definitions](#)
 - New definition for “placement” for the purposes of family leave eligibility, minor amendments to statutory pointers, and a slightly modified claim year start date for certain employees.
- [Documenting a birth or placement](#)
 - The department will now require documentation in the form of a birth certificate or medical certification when an employee applies for family leave to bond with a new child in the home.
- [Premium rate](#)
 - Clarification on how the department calculates the Paid Family and Medical Leave premium rate each year.
- [Proration](#)

- Guidance on how the department prorates benefit payments for partial weeks of leave.

November 2020 (rules related to the passage of [HB 2614](#))

- [Casual labor](#)
 - Exempts an entity who has hired an individual to perform work defined as “casual labor” as defined by statute from the definition of “employer.”
- [Damages](#)
 - New rules pertaining to the process by which the department may investigate employee complaints, how such complaints will be adjudicated, and how the department will assess damages if the employer is found liable.
- [Waiting period](#)
 - Exempted family leave taken for military exigency from the waiting week requirement.

June 2021

- [Appeals](#)
 - Clarifies when an appeal is considered withdrawn and public access to hearings.
- [Illegal Acts](#)
 - Defines “illegal acts” for the purposes of benefit disqualification.
- [Worked for Wages](#)
 - Applies consistent language for the purposes of reporting hours to the department
- [Small Business Grants](#)
 - Clarifies the duration of time for which a small employer will be liable for the employer share of the Paid Family and Medical Leave premium following receipt of a grant.
- [Employer Size](#)
 - Adjusts language regarding the departmental process of employer size calculation to align with legislative language.
- [Employment Restoration](#)
 - Aligns the number of hours worked for the purposes of employment restoration with Family and Medical Leave Act standards.

Appeal procedures are found in RCW 34.05.330. This communication constitutes the post-adoption notice required by RCW 34.05.362. For more information contact us at rules@esd.wa.gov.